

106TH CONGRESS
2D SESSION

H. R. 4946

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27 (legislative day, SEPTEMBER 22), 2000

Received; read twice and referred to the Committee on Small Business

AN ACT

To amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Small Busi-
3 ness Regulatory Assistance Act of 2000”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to establish a pilot pro-
6 gram to—

7 (1) provide confidential assistance to small
8 business concerns;

9 (2) provide small business concerns with the in-
10 formation necessary to improve their rate of compli-
11 ance with Federal regulations;

12 (3) create a partnership among Federal agen-
13 cies to increase outreach efforts to small business
14 concerns with respect to regulatory compliance;

15 (4) provide a mechanism for unbiased feedback
16 to Federal agencies on the regulatory environment
17 for small business concerns; and

18 (5) utilize the service delivery network of Small
19 Business Development Centers to improve access of
20 small business concerns to programs to assist them
21 with regulatory compliance.

22 **SEC. 3. DEFINITIONS.**

23 In this Act, the definitions set forth in section 34(a)
24 of the Small Business Act (as added by section 4 of this
25 Act) shall apply.

1 **SEC. 4. SMALL BUSINESS REGULATORY ASSISTANCE PILOT**
2 **PROGRAM.**

3 The Small Business Act (15 U.S.C. 637 et seq.) is
4 amended—

5 (1) by redesignating section 34 as section 35;
6 and

7 (2) by inserting after section 33 the following
8 new section:

9 **“SEC. 34. SMALL BUSINESS REGULATORY ASSISTANCE**
10 **PILOT PROGRAM.**

11 “(a) DEFINITIONS.—In this section, the following
12 definitions apply:

13 “(1) ADMINISTRATOR.—The term ‘Adminis-
14 trator’ means the Administrator of the Small Busi-
15 ness Administration.

16 “(2) ASSOCIATION.—The term ‘Association’
17 means the association, established pursuant to sec-
18 tion 21(a)(3)(A), representing a majority of Small
19 Business Development Centers.

20 “(3) PARTICIPATING SMALL BUSINESS DEVEL-
21 OPMENT CENTER.—The term ‘participating Small
22 Business Development Center’ means a Small Busi-
23 ness Development Center participating in the pilot
24 program.

1 “(4) PILOT PROGRAM.—The term ‘pilot pro-
2 gram’ means the pilot program established under
3 this section.

4 “(5) REGULATORY COMPLIANCE ASSISTANCE.—
5 The term ‘regulatory compliance assistance’ means
6 assistance provided by a Small Business Develop-
7 ment Center to a small business concern to enable
8 the concern to comply with Federal regulatory re-
9 quirements.

10 “(6) SMALL BUSINESS DEVELOPMENT CEN-
11 TER.—The term ‘Small Business Development Cen-
12 ter’ means a Small Business Development Center
13 described in section 21.

14 “(7) STATE.—The term ‘State’ means each of
15 the several States, the District of Columbia, the
16 Commonwealth of Puerto Rico, the Virgin Islands,
17 and Guam.

18 “(b) AUTHORITY.—In accordance with this section,
19 the Administrator shall establish a pilot program to pro-
20 vide regulatory compliance assistance to small business
21 concerns through participating Small Business Develop-
22 ment Centers, the Association, and Federal compliance
23 partnership programs.

24 “(c) SMALL BUSINESS DEVELOPMENT CENTERS.—

1 “(1) IN GENERAL.—In carrying out the pilot
2 program, the Administrator shall enter into arrange-
3 ments with participating Small Business Develop-
4 ment Centers under which such centers will
5 provide—

6 “(A) access to information and resources,
7 including current Federal and State nonpuni-
8 tive compliance and technical assistance pro-
9 grams similar to those established under section
10 507 of the Clean Air Act Amendments of 1990;

11 “(B) training and educational activities;

12 “(C) confidential, free-of-charge, one-on-
13 one, in-depth counseling to the owners and op-
14 erators of small business concerns regarding
15 compliance with Federal regulations, provided
16 that such counseling is not considered to be the
17 practice of law in a State in which a Small
18 Business Development Center is located or in
19 which such counseling is conducted;

20 “(D) technical assistance; and

21 “(E) referrals to experts and other pro-
22 viders of compliance assistance.

23 “(2) REPORTS.—

24 “(A) IN GENERAL.—Each participating
25 Small Business Development Center shall trans-

mit to the Administrator a quarterly report that includes—

“(i) a summary of the regulatory compliance assistance provided by the center under the pilot program; and

“(ii) any data and information obtained by the center from a Federal agency regarding regulatory compliance that the agency intends to be disseminated to small business concerns.

“(B) ELECTRONIC FORM.—Each report referred to in subparagraph (A) shall be transmitted in electronic form.

“(C) INTERIM REPORTS.—During any time period falling between the transmittal of quarterly reports, a participating Small Business Development Center may transmit to the Administrator any interim report containing data or information considered by the center to be necessary or useful.

“(D) LIMITATION ON DISCLOSURE REQUIREMENTS.—The Administrator may not require a Small Business Development Center to disclose the name or address of any small business concern that received or is receiving assist-

1 ance under the pilot program, except that the
2 Administrator shall require such a disclosure if
3 ordered to do so by a court in any civil or
4 criminal enforcement action commenced by a
5 Federal or State agency.

6 “(d) DATA REPOSITORY AND CLEARINGHOUSE.—

7 “(1) IN GENERAL.—In carrying out the pilot
8 program, the Administrator, acting through the of-
9 fice of the Associate Administrator for Small Busi-
10 ness Development Centers, shall—

11 “(A) act as the repository of and clearing-
12 house for data and information submitted by
13 Small Business Development Centers; and

14 “(B) transmit to the President and to the
15 Committees on Small Business of the Senate
16 and House of Representatives an annual report
17 that includes—

18 “(i) a description of the types of as-
19 sistance provided by participating Small
20 Business Development Centers under the
21 pilot program;

22 “(ii) data regarding the number of
23 small business concerns that contacted
24 participating Small Business Development

1 Centers regarding assistance under the
2 pilot program;

3 “(iii) data regarding the number of
4 small business concerns assisted by partici-
5 pating Small Business Development Cen-
6 ters under the pilot program;

7 “(iv) data and information regarding
8 outreach activities conducted by partici-
9 pating Small Business Development Cen-
10 ters under the pilot program, including any
11 activities conducted in partnership with
12 Federal agencies;

13 “(v) data and information regarding
14 each case known to the Administrator in
15 which one or more Small Business Devel-
16 opment Centers offered conflicting advice
17 or information regarding compliance with a
18 Federal regulation to one or more small
19 business concerns; and

20 “(vi) any recommendations for im-
21 provements in the regulation of small busi-
22 ness concerns.

23 “(e) ELIGIBILITY.—

24 “(1) IN GENERAL.—A Small Business Develop-
25 ment Center shall be eligible to receive assistance

1 under the pilot program only if the center is certified
2 under section 21(k)(2).

3 “(2) WAIVER.—With respect to a Small Busi-
4 ness Development Center seeking assistance under
5 the pilot program, the Administrator may waive the
6 certification requirement set forth in paragraph (1)
7 if the Administrator determines that the center is
8 making a good faith effort to obtain such certifi-
9 cation.

10 “(3) EFFECTIVE DATE.—This subsection shall
11 take effect on October 1, 2000.

12 “(f) SELECTION OF PARTICIPATING CENTERS.—

13 “(1) IN GENERAL.—In consultation with the
14 Association and giving substantial weight to the As-
15 sociation’s recommendations, the Administrator shall
16 select two Small Business Development Centers
17 from each of the following groups of States to par-
18 ticipate in the pilot program, except that the Admin-
19 istrator may not select two Small Business Develop-
20 ment Centers from the same State:

21 “(A) Group 1: Maine, Massachusetts, New
22 Hampshire, Connecticut, Vermont, and Rhode
23 Island.

24 “(B) Group 2: New York, New Jersey,
25 Puerto Rico, and the Virgin Islands.

1 “(C) Group 3: Pennsylvania, Maryland,
2 West Virginia, Virginia, the District of Colum-
3 bia, and Delaware.

4 “(D) Group 4: Georgia, Alabama, North
5 Carolina, South Carolina, Mississippi, Florida,
6 Kentucky, and Tennessee.

7 “(E) Group 5: Illinois, Ohio, Michigan, In-
8 diana, Wisconsin, and Minnesota.

9 “(F) Group 6: Texas, New Mexico, Arkan-
10 sas, Oklahoma, and Louisiana.

11 “(G) Group 7: Missouri, Iowa, Nebraska,
12 and Kansas.

13 “(H) Group 8: Colorado, Wyoming, North
14 Dakota, South Dakota, Montana, and Utah.

15 “(I) Group 9: California, Guam, Hawaii,
16 Nevada, and Arizona.

17 “(J) Group 10: Washington, Alaska,
18 Idaho, and Oregon.

19 “(2) DEADLINE FOR SELECTION.—The Admin-
20 istrator shall make selections under this subsection
21 not later than 60 days after promulgation of regula-
22 tions under section 4.

23 “(g) MATCHING NOT REQUIRED.—Subparagraphs
24 (A) and (B) of section 21(a)(4) shall not apply to assist-
25 ance made available under the pilot program.

1 “(h) EVALUATION AND REPORT.—Not later than 3
2 years after the establishment of the pilot program, the
3 Comptroller General of the United States shall conduct
4 an evaluation of the pilot program and shall transmit to
5 the Administrator and to the Committees on Small Busi-
6 ness of the Senate and House of Representatives a report
7 containing the results of the evaluation along with any rec-
8 ommendations as to whether the pilot program, without
9 or without modification, should be extended to include the
10 participation of all Small Business Development Centers.

11 “(i) LIMITATION ON USE OF FUNDS.—The Adminis-
12 trator may carry out the pilot program only with amounts
13 appropriated in advance specifically to carry out this sec-
14 tion.”.

15 **SEC. 5. PROMULGATION OF REGULATIONS.**

16 After providing notice and an opportunity for com-
17 ment and after consulting with the Association (but not
18 later than 180 days after the date of the enactment of
19 this Act), the Administrator shall promulgate final regula-
20 tions to carry out this Act, including regulations that
21 establish—

22 (1) priorities for the types of assistance to be
23 provided under the pilot program;

1 (2) standards relating to educational, technical,
2 and support services to be provided by participating
3 Small Business Development Centers;

4 (3) standards relating to any national service
5 delivery and support function to be provided by the
6 Association under the pilot program; and

7 (4) standards relating to any work plan that
8 the Administrator may require a participating Small
9 Business Development Center to develop.

Passed the House of Representatives September 26,
2000.

Attest:

JEFF TRANDAHL,

Clerk.